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CITY OF MARIETTA, GEORGIA

2013 SEP 19 P 12:43

1. Minutes of the City Council Meeting, September 9, 2013.
2. Minutes of the Joint Convention Meeting, September 11, 2013.
3. CONTINUED PUBLIC HEARING On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A.
4. Communication from the Mayor re: Fiscal Year 2013 Close-out.
5. Communication from the Mayor re: Building Department transfer request in the amounts of \$800.00 and \$300.00 which moves funds from Contract Services to Assistant Wiring Inspector and from Professional & Technical to Assistant Plumbing Inspector respectively due to office coverages.
6. Communication from the Mayor re: Gift Acceptance from Partners Healthcare System, Inc. in the amount of \$750,000.00 specifically earmarked for renovation and/or replacement of a Senior Center in the City.
7. Communication from City Solicitor, Donald Rider re: Application for Special Permit from Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio located within an Industrial District, 38 Brigham St., in proper legal form, Order No. 13-1005483B.
8. Communication from Retirement Board Chairman Gregory Brewster, re: Acceptance of Sections 27 & 28 of Chapter 131 of the Acts of 2010.
9. Petition of NGrid and Verizon to install new Joint owned Pole #20 on the public way of Kings Grant Rd. currently the conductors between Pole 19 and Pole 2 are hanging low, and were reported by the Fire Department as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearances of wires over the public way.
10. Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries.
11. Communication from Mirick O'Connell who is representing Annmarie Riley regarding an appeal from the granting of a variance by the Zoning Board of Appeals, case #1419-2013.
12. Application for Fuel Storage License by Richem Company Inc., 111 Hayes Memorial Dr., to store flammable liquids as attached in agenda packet.
13. Minutes, Planning Board, July 22, and August 26, 2013.
14. Minutes, Recreation Commission, June 12, 2013.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

15. **Order No. 13-1005480A** - Reappointments of William Brewin and Rustin Kyle as Members of the Marlborough Public Library Board of Trustees.
Rob Seymour made a motion to Approve. Seconded by the Chair.
Approved 3-0
16. **Order No. 13-1005515** - Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment.
Rob Seymour made a motion to Approve. Seconded by the Chair.
Approved 3-0
17. **Order No. 13-1005516** - Reappointment of Diane Smith as City Auditor for a term of three years.
Rob Seymour made motion to Approve. Seconded by the Chair.
Approved 3-0

From Urban Affairs Committee

18. **Order No. 13-1005483B** - Application for Special Permit by Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio at 38 Brigham Street which is located within an Industrial District where private indoor and outdoor recreation may only be allowed through a Special Permit.

The petitioners gave the Committee an overview to the plans they are submitting.

President Pope brought up concerns about possible parking issues, but the petitioners said they didn't foresee any major parking conflicts as parents drop off their children/pick them up and, for the most part, do not remain on the premises during the class.

Councilor Delano expressed his concern about the business' past practice of utilizing illegal signs, which they said they stopped using three years ago.

The Committee and Council discussed the use of CORI forms, and Councilor Seymour requested them to act according to MGL.

No department head gave a negative opinion on the project.

The Chair read the conditions and changed a few conditions, including striking language possibly prohibiting the petitioners from making changes to the building.

Councilor Clancy made a motion to approve, the motion was seconded, and the vote was 4-0 to approve the application for Special Permit by Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio at 38 Brigham Street which is located within an Industrial District where private indoor and outdoor recreation may only be allowed through a Special Permit. (Robey absent)

The committee also will recommend suspending the rules at the Council's 9-9-13 meeting to send the permit to the Solicitor to put in proper legal form as well as send to the Building Commissioner to give advice on condition #1 (no changes to existing outside and parking areas and to the building), which was struck by the committee.